

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Case No. 1:17-CV-00256

SHIRLEY TETER,

Plaintiff,

v.

PROJECT VERITAS ACTION FUND
et al.,

Defendants

MOTION TO SEAL

Pursuant to Federal Rules of Civil Procedure 5.2(d) and 5.2(f), and Local Civil Rules 6.1(c), and the Consent Protective Order in this matter [DE 33], Plaintiff moves the Court for an Order sealing Exhibits 34, 44, and 46 to Plaintiff Shirley Teter's 22 January 2019 Response to Defendants' Motion for Summary Judgment. [DE 43-35; DE 43-45; DE 43-47]. In support of this Motion, Plaintiff shows the Court the following:

1. In support of her responsive brief, Plaintiff filed with this Court three exhibits (the "Filed Exhibits") that were emails produced by Defendant during discovery. All three exhibits were emails between Defendant James O'Keefe and third parties.

2. Pursuant to the Consent Protective Order, [DE 33], all of the Filed Exhibits are being filed with redaction. (Exhibits DE 43-45 and DE 43-47 were filed with redactions but unredacted copies have not yet been filed under seal.) Defendants have asserted that some of the information contained in the exhibits is "Confidential" as that term is defined in the Consent Protective Order.

3. Filed simultaneously with this Motion are unredacted copies of each exhibit, as Exhibits 34, 44, and 46.

4. Undersigned counsel has consulted with counsel for Defendants regarding consent to this motion. Undersigned counsel has yet to receive a response from Defendants' counsel.

5. Under the common law, a district court "has supervisory power over its own records and may, in its discretion, seal documents if the public's right of access is outweighed by competing interests." *In re Knight Publ'g Co.*, 743 F.2d 231, 235 (4th Cir. 1984).

WHEREFORE, for the foregoing reasons, the parties respectfully request that the Court grant their request for leave to file the materials described above under seal.

This the 28th day of January, 2019.

Respectfully submitted,

ELLIS & WINTERS LLP

By: /s/ Jonathan D. Sasser
Jonathan D. Sasser (N.C. Bar No. 10028)
Jeremy M. Falcone (N.C. Bar No. 36182)
Preetha Suresh Rini (N.C. Bar No. 51022)
P.O. Box 33550
Raleigh, North Carolina 27636
Telephone: 919-865-7000
jon.sasser@elliswinters.com
jeremy.falcone@elliswinters.com
preetha.rini@elliswinters.com

**CRITCHFIELD, CRITCHFIELD &
JOHNSTON, LTD.**

By: /s/ Ralph Streza
Ralph Streza
4996 Foote Road
Medina, Ohio 44256
Phone: 330-723-6404
Fax: 330-721-7644
Email: streza@ccj.com
Counsel for Plaintiff Shirley Teter

CERTIFICATE OF SERVICE

I hereby certify that on the 28th of January, 2019, a copy of the foregoing was filed electronically with the Clerk of Court using the Court's CM/ECF system.

By: /s/ Jonathan D. Sasser
Jonathan D. Sasser